

E-FILED - 5/7/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DWIGHT EARL WYMAN,)	No. C 08-1158 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	(Docket No. 3)
)	
C. PHAN, et al.,)	
)	
Defendants.)	

On February 27, 2008, plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed in forma pauperis ("IFP"). The same day, the Court notified plaintiff that he had neither paid the filing fee nor filed a completed IFP application. In particular, plaintiff's IFP application did not include a certificate of funds completed and signed by a prison official, or a prison trust account statement showing transactions for the last six months. Along with the deficiency notice, plaintiff was provided with a new IFP application, instructions for completing it, and a stamped return envelope. Plaintiff was cautioned that his failure to either file a complete IFP application, including the required certificate of funds and trust account statement, or pay the filing fee within thirty days would result in the dismissal of this action. No response has been received from plaintiff. Accordingly, the instant action is DISMISSED

1 without prejudice to plaintiff filing a new action in which he either pays the filing fee or
2 files a completed IFP application.

3 The incomplete IFP application (docket no. 3) is DENIED.

4 The clerk shall enter judgment and close the file.

5 IT IS SO ORDERED

6 DATED: 5/5/08

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge